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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,669	03/22/2005	Kazuhito Kurita	0112857-509	8908

7590
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06/07/2007

EXAMINER

KLIMOWICZ, WILLIAM JOSEPH

ART UNIT	PAPER NUMBER
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2627

MAIL DATE	DELIVERY MODE
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06/07/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/528,669	Applicant(s) KURITA ET AL.	
	Examiner William.J. Klimowicz	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-20 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 11-17 is/are rejected.
- 7) ☒ Claim(s) 18-20 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Status

Claims 1-10 have been canceled by the Applicant in a Preliminary Amendment.

Claims 11-20 are currently pending.

Claim Objections

Claims 14 and 18 are objected to because of the following informalities and appropriate correction is required.

The following phrase(s) lack clear antecedent basis within the claim(s), i.e., either the particularly recited passage fails to be properly introduced prior to its appearance at that point in the claim or the structure recited in the passage is not an inherent part of or component of the previously recited structure. The lack of antecedence as noted *infra*, is merely formal, since the claims can be understood in light of the instant specification and drawings; the antecedence informalities delineated below do not rise to the level of a rejection under 35 USC 112 2nd paragraph:

- (i) As per claim 14 (line 3), "said signal recording area."
- (ii) As per claim 18 (line 1-2), "the recording and/or reproducing apparatus."

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Kurozuka et al. (JP 07-006493).

As per claim 11, Kurozuka et al. (JP 07-006493) discloses a disc cartridge (12) comprising a disc (17); and a main cartridge body unit having said disc (17) rotatably housed therein; one lateral surface of said main cartridge body unit being a substantially semicircular arcuate section (e.g., see FIG. 1) having a center of said disc (17) housed in said main cartridge body unit as a center thereof (FIG. 1).

As per claim 12, wherein said arcuate section is formed on an inserting side (see arrow of FIG. 1) of said main cartridge body unit into a recording and/or reproducing apparatus (1).

As per claim 13, wherein a back side of said main cartridge body unit opposite to an inserting end thereof formed as said arcuate section is a curved section (e.g., right side of cartridge in FIG. 2) having a curvature smaller than a curvature of said arcuate section curvature (i.e., the radius of curvature is infinity) curvature. Nothing in the claim as presently drafted precludes the mathematically correct statement that the radius of curvature of the back side lies outside of the cartridge at infinity.

As per claim 14, wherein said main cartridge body unit includes a recording and/or reproducing aperture (23) for exposing at least a portion of a signal recording area of said disc (17) to outside across an inner rim and an outer rim of the disc (17) and wherein said recording and/or reproducing aperture (23) is formed for being opened in a lateral side (e.g., the bottom side of the cartridge which also has a lateral extent) of said main cartridge body unit other than

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the lateral side (e.g., the front side thin side, perpendicular to the bottom side) formed as said arcuate section.

As per claim 15, wherein a shutter unit (e.g., 14) for opening/closing said recording and/or reproducing aperture (23) is movably mounted to said main cartridge body unit.

As per claim 16, wherein said shutter unit (14) is moved along a lateral side (e.g., the bottom side of the cartridge which also has a lateral extent) of said main cartridge body unit other than said arcuate section (e.g., at the front side thin side, perpendicular to the bottom side) of said main cartridge body unit for opening/closing said recording and/or reproducing aperture (23).

As per claim 17, wherein the lateral side along which is moved said shutter unit (14) is a side parallel to a movement direction of said shutter unit (14) (e.g., the bottom side of the cartridge which also has a lateral extent, and a front to rear extent; the front to rear extent of the bottom side of the cartridge is a side which is parallel to the arrow in FIG. 1).

Allowable Subject Matter

Claims 18-20 are *tentatively* objected to as being dependent upon a rejected base claim, but, pending an updated search, amendments or arguments presented by the Applicant and considered by the Examiner in reply to this office communication, would be favorably considered if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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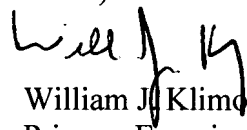
Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Klimowicz whose telephone number is (571) 272-7577. The examiner can normally be reached on Monday-Friday (7:30AM-6:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R. Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


William J. Klimowicz
Primary Examiner
Art Unit 2627

WJK